

**Committee Date:**

**09.03.10**

Target Date: 04.10.2006

TRINITY  
(Axmouth)

06/1902/MOUT

Applicant:

Axe Riverside Co.

Location:

The Boatyard, 2 The Harbour, Axmouth, Seaton

Proposal:

Redevelopment of site to provide for the erection of a building(s) comprising a restaurant, reception/exhibition area, water sports activity centre and residential units (with a maximum of 260 square metres floor area).

## **CONSULTATIONS**

### County Highway Authority

Revised Observations dated 22 February 2010 following the change in status of the application to 'outline'.

The entrance to the site is substandard in visibility in the easterly direction which is significantly impeded by the roadside listed building. In the opposite direction, the current use of land on that side as a car sales forecourt, permits adequate visibility, although it is noted that the land falls slightly outside of the application site.

The previous (existing) permitted use of the site would have a traffic generating potential that would be similar to the Water Sports Activity Centre proposed. It is conceded by the Highways & Traffic Planning Consultants that these traffic movements would involve vehicles with trailers and larger vehicles regularly attending site in order to service and transport diving equipment etc.

I accept that the proposed restaurant element would have a traffic generation that is conceivably primarily on foot and that visitors to the town centre would have parked their vehicles in the municipal car parks in the town. There would be increased traffic generation from service and delivery vehicles to the restaurant, however.

The reception/exhibition area would generate similar pedestrian traffic to the site as the restaurant in its origin; however it is also likely to attract organised parties, for instance schools trips, which would need to be set down at the site.

The residential development would have its own and separate traffic generation potential.

In order to evaluate these varied and diverse uses and their individual traffic generations the Highway Authority has asked for detailed traffic data to be supplied in support of the application and it contends that the mixed use development would generate a higher level of people movements to the site and that the nature and mix of this traffic will

change the intensive use of the junction and the access road, but without detailed analyses of the existing and former use of the junction and access, I believe that this is not proven at this stage but it is felt that it could be.

The requested vehicular swept path analyses for HGV rigid does not appear to safely negotiate the vehicle turning and parking area or the adjacent junction and shows the vehicle entering the junction at 90 degrees to Harbour Road but, yet again, it is believed that with some modification to the design internally, a suitable on-site turning facility could be provided.

The applicants' consultant contends that the discontinued use of the junction as part of Petrol Filling Station (PFS) has a cumulative benefit on traffic within the area, but it may not have any beneficial effect on the junction in that the former PFS forecourt is likely to have given greater visibility at the junction and was not actually the site that is the subject of this planning application.

Because of the slight road narrowing in Harbour Road just past the junction, I am prepared to measure the visibility splay (X) distance from the nearside vehicle wheel running line which is not coincident with the edge of carriageway. From this point adequate visibility can be achieved in the westerly direction; however in the easterly direction visibility still falls well short of the acceptable safe vehicle stopping distance.

## Summary

The application is unacceptable in highway safety terms as a *detailed* planning application with the proposed level of uses and internal design because of the potential for increased vehicular traffic using a substandard junction and the inadequate provision of on-site turning facilities for large goods vehicles. The applicant has changed the status of the application to 'Outline' and the highway authority are therefore able to recommend conditions on any planning permission granted.

Recommendation: Approve subject to the following conditions

No part of the development hereby approved shall be brought into its intended use until the access, car and cycle parking facilities, commercial vehicle loading / unloading area, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To ensure that adequate facilities are available for the traffic attracted to the site

## Environment Agency

No objections subject to the following

- Floor levels to be established at or above 4.08 AOD
- Buildings do not encroach any closed than as shown in FRA
- Surface waters are disposed of via a sustainable drainage solution
- Foul drainage is kept separate
- Agreement of water company needed in respect of drainage facilities

- Potential contamination needs to be dealt with
- Pollution measures should be put in place to prevent any spillages
- Adequate proposals required for storage of any fuels

#### Environmental Health Manager

I have no adverse objection in principal, however I understand that this proposal may impact on existing businesses in the area, because of the external balcony area which is proposed to be used for eating and drinking.

Under the Environmental Protection Act 1990 all noise, smell, fumes and dust complaints received into our department are investigated and if occurrences are proven to be frequent and last for an acceptable period of time, then the activity may be construed as being a statutory nuisance were an abatement notice may be served on the offender to abate the nuisance.

From studying the plans the above situation may occur and I cannot foresee any mitigating circumstances that could be submitted to prevent a nuisance from occurring should persons wish to sit outside the building to enjoy the facilities on offer.

Full SI required due to previous historic use. Contact CL officer for appropriate condition.

#### Devon County Council Archaeology

Recommends the following condition :

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

#### English Heritage

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### Conservation Officer

The grade II\* listed Axmouth Bridge and the associated grade II listed toll house, now known as Bridge Cottage, are in a potentially beautiful setting overlooking the flood plain and estuary of the River Axe. This setting is currently marred by a background of utilitarian and slightly dilapidated workshops on the application site and on the adjoining regeneration site.

The old Axmouth Bridge is on the south side of the B3172, downstream of the new road bridge. The setting of the old bridge will not be adversely affected by this application.

The Scheduled Ancient Monument Bridge site extends along the old road towards the former toll house of Axmouth Bridge, but the setting will not be affected by this application.

The proposed application is for a four storey building plus an additional small roof penthouse. The proposed building steps down towards south and east to approximately two storeys in height and is planned to be approximately nine metres to the north of Bridge Cottage and five metres north of the northern garden boundary of the listed building. Therefore it will not unduly overshadow Bridge Cottage (the toll house).

The curves of the proposed building and the proposed white render finish will echo the curved concrete roof and the white wall finish of Bridge Cottage and will therefore be sympathetic to the listed building.

It is considered that the proposal will not adversely affect the historic character or setting of the grade II listed toll house or of the grade

### **TOWN/PARISH COUNCIL**

Unable to support in present form. Full reasons to follow. - 05/09/06

Refuse. – expresses similar concerns to those submitted by local representations (see below). In particular layout and scale constitutes overdevelopment and height should be limited to 3 storey in this sensitive area.

EDDC must be aware that this application falls wholly within the parish of Axmouth and it is to this parish that any applications for planning gain under Section 106 must be addressed.

### **ADJOINING PARISH**

Seaton Town Council - Approve 30/08/06. Omitted to add the request for 106 Contribution for a Sustrans terminus and sporting facilities.

### **WARD MEMBER(S)**

No comments received at time of writing this report.

## **REPRESENTATIONS**

### Objections

6 letters of objection raising the following issues

- Height of buildings are intrusive
- Impact on Listed Building is unacceptable
- Loss of privacy for toll house
- Lack of car parking for intended uses will exacerbate difficulties
- Impact on boat building business – development will put pressure on this to cease
- Potential impact on boat storage business
- Industrial uses opposite site not compatible with proposed uses on site
- Gross overdevelopment
- Water sports centre has been tried and failed – will probably be converted to more flats
- Increased traffic onto Harbour Road
- Drainage problems
- Potential light pollution from large amounts of glazing
- Foul water disposal to cess pit problematic at present
- Made up ground will require piling foundations
- Heavy industrial uses connected to boat maintenance will be put at risk as will future redevelopment proposals for these sites
- 5 storey structure will be too dominating
- Access roadway not in applicants control – inadequate access arrangements which will have a negative impact on existing businesses
- Comprehensive development needed not piecemeal approach
- Potential impact on management of river for water sports, angling and moorings

### Support

One letter of support which supports regeneration of this site and area but suggests that the current plans do need to be amended.

## **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
91/P1220	Outline application for redevelopment	Withdrawn	1/9/1998
00/P1009	Retention of 2 caravans to be used as diver briefing centre	Approved	24/7/2000

## **PLANNING POLICIES**

### **Government Guidance**

- Planning Policy Statement 1 “Delivering Sustainable Development”
- Supplement to Planning Policy Statement 1 “Delivering Sustainable Development”
- Planning Policy Statement 4 “Sustainable Economic Development”
- Planning Policy Statement 23 “Planning and Pollution Control”
- Planning Policy Statement 24 “Planning and Noise”
- Planning Policy Statement 25 “Development and Flood Risk”

### **Devon Country Structure Plan (2001-2016)**

- ST1 (Sustainable Development)
- ST4 (Infrastructure Provision)
- ST15 (Area Centres)
- ST21 (Regeneration Priority)
- CO6 (Quality of New Development)
- CO11 (Conserving Energy Resources)
- CO12 (Renewable Energy Developments)
- C13 (Protecting Water Resources and Flood Defence)
- TR2 (Co-ordination of Land-Use/Travel Planning)
- TR4 (Parking Strategy, Standards & Proposals)
- TR5 (Hierarchy of Modes and Transport Assessment)
- TR7 (Walking and Cycling)
- TR9 (Public Transport)

### **East Devon Local Plan (1995-2011)**

- S2 (Built-up Area Boundaries for Area Centres and Local Centres)
- S4 (Development Within Built-up Area Boundaries)
- S7 (Infrastructure Related to New Development)
- D1 (Design and Local Distinctiveness)
- D2 (Sustainable Construction)
- D3 (Access for the Disabled)
- D4 (Landscape Requirements)
- EN5 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)
- EN15 (Control of Pollution)
- EN16 (Contaminated Land)
- EN20 (River and Coastal Flooding)
- EN21 (Surface Run-off Implications of New Development)
- E2 (Employment Generating Development in Built-Up Areas)
- TA1 (Accessibility of New Development)

- TA4 (Footpaths, Bridleways and Cycleways)
- TA7 (Adequacy of Road Network and Site Access)
- TA9 (Parking Provision in New Development)
- LSE1(Seaton Regeneration Area)

#### Supplementary Planning Guidance

- Seaton Town Design Statement 2008.
- Development Brief - Seaton Regeneration Area: Adopted in March 2005.
- Trees and Development: Adopted in April 2005.

### **SITE LOCATION AND DESCRIPTION**

The site is located in a prime position at the entrance to the town of Seaton when approaching from Axmouth village. Members are referred to the attached Design and Access Statement submitted as part of the application which sets out the location in more detail.

### **PROPOSED DEVELOPMENT**

Members are referred to the Design and Access Statement attached which sets out in more detail the proposed development. At the time of submission the application was submitted as a detailed full application. For reasons that are set out below the applicant has now agreed to amend his application to an Outline with all matters reserved for future approval. The submitted plans should therefore be considered as illustrative only.

### **CONSIDERATIONS AND ASSESSMENT**

#### Background

Members will recall the Tesco proposals for the main Seaton regeneration site area and the application submitted by Axe Riverside Company in respect of 90 apartments to be built on the former Racal industrial site overlooking the Axe. The detailed reports submitted to the special Development Management Committee on the 15 September are useful background information and should be read alongside the current proposals on the site the subject of this application. A copy of the overall master plan for the site is appended for Members information. Planning permission has not yet been issued on the three applications but a final approval is near on the terms of the S106 Planning Agreements and permission will be issued this Spring.

#### Principle of development

The site forms part of the LSE1 Seaton Regeneration site the detailed proposals of which are referred to in the East Devon Local Plan and the allied Seaton Regeneration Area Planning Brief adopted by the Council in March 2005.

The Planning Brief refers to this site as an activity hub to include a mix of potential uses such as a heritage centre, TIC, tram station and museum/activity centre, craft and retail complex incorporating pubs and restaurants, Sustrans centre, and other forms of leisure activities. It does not specifically refer to residential but does not rule this element out.

Clearly some of the intended activity hub uses have now been taken up by other elements of the scheme as part of the Tesco proposals. Nevertheless the site is clearly an important gateway into the town and occupies a prime position which should not be seen in isolation but as part of the overall redevelopment proposals. To that end the suggested uses fit well with the spirit of the Planning Brief and build on historic uses previously on the site such as the diving school. Any permission granted at this stage will be in outline form only and is likely to be further amended once put to the market. What is clear however is that there should be a bias towards a commercial development on this site rather than full blown residential. It is likely that some element of residential will be required to improve overall viability but in the current application this is limited to two modest apartments set at a high level.

The current applicants are the same applicants who received a resolution of approval for the 90 apartments on the former Racal site. In order to improve the potential for that site to come forward it is essential that Members look at other areas such as the current site in a positive light. By doing so Members can start to put in place a general set of proposals which when read in totality will ensure that all schemes become more attractive and viable propositions. To leave this site in its current state pending the submission of a more comprehensive scheme will have the opposite effect.

Objectors have referred to the need to achieve a comprehensive development to cover not just the current application site but the remaining areas to the north and west of the site. At present these are in different ownerships – principally the two parties that own the boat repair business and the industrial units opposite the site. The applicant's agent has approached these two parties to try and seek an overall comprehensive development package but to date those approaches have not met with any success. Given this position it is considered not unreasonable for the current application to be considered which can if approved act as a further incentive and catalyst to bring other landowners into play.

### Disposition of uses on the site

The submitted layout plans show the site being split between commercial development on ground and upper floors with a residential element on the 2<sup>nd</sup> and 3<sup>rd</sup> floors with a penthouse area above the 3<sup>rd</sup> floor. These uses will be subject to further change but in general terms it is considered that there is an acceptable bias towards commercial uses as currently proposed. Some of these elements may not come forward such as the water sports use but clearly there is a link between these uses and the waterfront and an attempt should be made to test the market on this. The commercial elements can be said to be in current conflict with some of the uses which take place to the north and west of the site. However, Members need to take a longer term view of the site and its surroundings rather than be hamstrung by current land uses taking place elsewhere. It is likely for example that the industrial uses taking place to the west of the site could be relocated to other industrial areas within the town or to those areas suggested for expansion under the Local Development Framework in the future. The relocation of the boat building and repair business is more problematic as set out by the current business

operator. Indeed it would be preferable to retain this business to the north as it is an integral part of the history of the area and is well suited to its current site. Whilst it is therefore acknowledged there are current difficulties with heavy industrial uses nearby there is potential for movement once planning permission is granted. The disposition of uses on the site needs further careful planning and thought and this is the primary reason why it has been suggested to and now agreed by the applicants to treat this application in outline form with a quantum and exact location of uses to be agreed at a later date. The site may well be subject to a different layout which can taken into account any current difficulties presented by the boat business. To ensure long term vitality and local distinctiveness it is hoped that those businesses which are water related can be retained in this area whilst those other businesses which are more footloose can be relocated. An approval of this application can be the first step in that process.

### Highway Issues

There are clear difficulties with the current access arrangements. Again the applicant has approached 3<sup>rd</sup> parties to seek amended design solutions but at the present time that has not been possible. It is highly likely that the site can come forward in conjunction with adjoining sites once the commercial potential of the area improves. This will allow a more satisfactory highway arrangement to be made. In the meantime the Highway Authority has not objected to the outline application subject to conditions relating to detailed highway matters being agreed at a later date. Similarly the concerns raised regarding levels of car parking can be addressed at detailed design stage. It should not be assumed that the current illustrative site layout and parking arrangements are acceptable in this respect. The impact of car parking on the wider view of the site and its impact on the adjoining Toll House must also be considered as well as in general highway safety terms. As Members will appreciate the site is within easy walking distance of the soon to be created new car parking areas associated with the Tesco developments so there will be future opportunities for an actual reduction in the number of car parking spaces shown in the illustrative plans.

### Impact on Landscape

The site represents a sensitive and important gateway area into the town. It should however be seen as part and parcel of the regeneration proposals rather than be viewed in its current position and state of dereliction occupied by low level buildings of no merit. The site needs to be developed by buildings of 2 storeys or more to ensure overall viability and to cope with flood risk issues. The current proposal is for a building of four stories, with a penthouse storey, raised partially above existing ground levels. Further consideration needs to be given to the overall height of any buildings on this site but it is agreed that taller buildings can be accommodated and will be seen in context with the taller buildings recently approved by Members on the Racal site nearby. Members are referred to the artist's impression showing this site in context. To that extent the impact on the local landscape will be marked but when seen in its future context is considered to be acceptable. This site needs to form a strong focal point on the entrance into the town. A landmark building of good quality is therefore needed to ensure this is achieved. It is also the case however that a building any higher than that currently shown would not be acceptable, would have an unacceptable landscape impact as well as potentially constituting over development of the site.

### Impact on Listed Buildings

The adjoining Toll House is an important Listed Building built as a concrete house constructed at the same time as the old Axmouth concrete bridge to the east which is now a Grade 1 Listed Building and Scheduled Ancient Monument. Its position on the entrance to the town and its design and height are important considerations for any application to the north. The setting of the Toll House should be protected from overdevelopment and crowding in particular. The Conservation Officer considers the current proposal is acceptable in this regard although further detailed plans would be required to completely satisfy the need to protect this building and its setting. The artist's impression and current illustrative site layout plans shows a degree of separation which should not be further encroached. Boundary details and treatments will also be important to ensure the setting of the Listed building is not harmed. The impact on the Listed bridge has also been considered, and, subject to further detailed matters of design, is considered acceptable.

### Impact on Residential Amenity

There is only residential building that is affected by the proposals, that being the Toll House. Objections have been submitted by those occupiers pointing to the proximity and height of the buildings and car parking and the attendant loss of privacy and amenities. The occupiers have also verbally referred to drainage problems in the area and the way in which they could be impacted upon further with any redevelopment of the site. These are serious concerns that should be given credence. Nevertheless it is considered that subject to the receipt of more detailed plans the privacy and amenity of the Toll House can be protected. It must however be understood that currently the Toll House suffers from being close to heavy industrial uses. In this respect a 'softer' commercial use may be beneficial in the long term. Noise and disturbance may occur from some of the commercial uses but these will be subject to the usual environmental health controls and statutory nuisance legislation. Given the position of the Toll House on a busy road entrance into the town and already partially adjoined by commercial uses, it is considered that the proposed development will be acceptable in residential amenity terms.

### Other matters

- S106 Agreement

The development of the site includes an element of residential use. In line with normal policy on recreation and open space provision it should be the case that the developer contributes towards off site provision for recreation in the town. The contribution in this case equates to £7,395.73. The detailed costing has been forwarded to the applicants for their consideration and any response will be reported verbally at the meeting.

The only other element which should be covered by an agreement is to ensure that there is the possibility of the riverside walk being continued through the site is realised. The

current site layout does not provide sufficient room but it is likely that a more detailed plan can take this into account.

- Drainage

Full details of all foul and surface water drainage can be resolved at detailed approval stage. In addition the current cess pit arrangement at the northern end of the site can also be addressed.

- Design details and materials

The current plans whilst showing one design approach may need to be modified to ensure computability with the Axe Riverside approval, particularly in terms of materials. That said the current proposals do meet with the approval of the Council's Conservation Officer as they pick up themes from the adjoining Listed Building. At this stage it would however be wise to reserve final approval once more detailed proposals have been received. It is likely that any acceptable scheme would follow the footprint of the illustrative plans but modifications will be required. The site layout in terms of access and car parking also needs to be re-addressed to ensure a high quality development is achieved.

## **CONCLUSIONS**

The site represents an opportunity to provide a high quality scheme which is in line with the aspirations of the Seaton Planning Brief and regeneration policies set out in the East Devon Local Plan. The current outline proposal based on illustrative plans demonstrates that a commercially biased development can be accommodated on the site. Whilst there are difficulties with other heavy industrial uses to the north and west of the site it is considered that an approval will be a catalyst for future movement by those parties to come forward with schemes of their own. A comprehensive development would have been preferred but without the support of 3<sup>rd</sup> parties is not possible at this stage. In the meantime it is considered that permission should not be unreasonably withheld for the proposal as submitted. It is anticipated that detailed matters of design and layout together with road drainage and parking details will help to offset and resolve local objections to a satisfactory degree.

## **RECOMMENDATION**

**APPROVE** subject to the applicants first entering into an agreement under Section 106 of the Town and Country Planning Act as amended to secure the following:-

- £7395.73 contribution for public open space/recreation in Seaton
- Public access through the site by way of a dedicated footpath accessible to all users

and the following planning conditions

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.

Reason – To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended) and giving appropriate time for economic delivery of the proposal.

2. AO3 – 3 years for reserved matters submission

To comply with the Act

3. Full 'working drawings' standard details of elevations, sections, finished floor and site levels, existing site levels, and plans provided to an appropriate scale shall be submitted to and approved prior to the commencement of development. The development shall be carried out in accordance with any plans that may be approved, unless the written approval of the Local Planning Authority has been given to any variation.

Reason – To allow the Local Planning Authority to assess the details of the scheme to ensure that the appearance is appropriate.

4. Prior to the commencement of development detailed drawings and sections to include the relationship of the southern end of the proposal site in context with Harbour Road and, the Listed Toll House shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the proposed volume of development which is developed as a reserved matter is appropriate in scale and mass and can be demonstrated as preserving or enhancing the setting of the listed building and is appropriate given the context of existing and likely development capacity of adjacent land.

5. Prior to the commencement of development full details of the design and material finish of windows including their method of opening together with all balcony details shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the details so agreed and no future changes shall take place to window styles and materials without the prior written permission of the Local Planning Authority. No other balcony constructions shall take place at any future date without the prior written permission of the LPA.

Reason - To ensure that the design dimensions and material finish and details of balconies are appropriate and to protect the future character and appearance of the units so constructed.

6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area.)

7. All areas of any new stone walls that may be proposed for the site shall be constructed of natural random stone laid traditionally on its quarry bedding and pointed in a brown mortar finish recessed from the outer face of the walls. A sample panel of not less than three square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, shall be retained in their natural stone finish and shall not be rendered, colour washed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished, either in whole or in part. All stonework to units shall be completed prior to occupation of that unit.

Reason – To enable the Local Planning Authority to consider the details of any stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish.

8. Prior to development commencing a full roofing specification including the types, sizes and colours of natural slate or tiles to be used, together with the type, colour and profile of the ridge tiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details

Reason - To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that the appearance is appropriate.

9. Prior to development commencing constructional details at a scale of 1:20 of all eaves, verges and hips shall be submitted to and approved in writing by the Local Planning Authority, together with details of any extract or flue that terminates through the roof cladding. All such extractors shall terminate through in-line slate/tile ventilators positioned on non-prominent roof slopes. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that the appearance is appropriate.

10. No work shall commence on site until full details of all ducts, flues, rainwater goods, vents, meter boxes and other external attachments have been first submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the appearance of the development and the surrounding area.

11. Visibility splays shall be provided at the junction of Harbour Road and the proposed site access submitted to and agreed in writing with the Local Planning Authority as part of the Reserved Matters application. All such works shall be completed prior to the occupation of any part of the development and the visibility splays shall thereafter be retained and maintained free of any structures or vegetation over 600 mm in height measured from the level of the surface of the carriageway of Harbour Road.

Reason - To provide adequate visibility from and of emerging vehicles.

12. No part of the development hereby approved shall be occupied until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area, parking space, and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and shall after be retained for the relevant purposes at all times.

Reason - To ensure that adequate facilities are available for the traffic attracted to the site.

13. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any highway maintained by the Local Highway Authority.

Reason - In the interest of public safety and to prevent damage to the highway

14. Prior to the commencement of development full details of all the proposed highways serving the site including those to be publicly adopted or privately maintained shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure adequate visibility and vehicle and pedestrian safety and convenience.

15. Prior to the commencement of development full details of all foul drainage proposals including any works to the existing foul drainage system on the site shall be submitted to and agreed in writing by the Local Planning Authority. The works as may be agreed shall be fully completed prior to any occupation of any part of the development.

Reason – To ensure adequate foul drainage provision is made

16. No development shall take place until temporary access, construction parking, and commercial vehicle loading/unloading, visibility splays, vehicle turning and access drainage and maintenance for construction traffic has been submitted to and approved in writing by the Local Planning Authority. The approved details

shall be retained for the full duration of the construction of the development or as otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate facilities are available for construction traffic attracted to the site and to ensure that site debris does not detrimentally affect the wider highway network.

17. Prior to the commencement of development details of any lighting of public and non public areas including any security lighting (and their means of operation), including lux levels shall be submitted to and agreed in writing by the Local Planning Authority. No other lighting, including any security lighting, shall be installed on the site at any future date without the prior written consent of the LPA. In addition details of any intended temporary construction lighting shall be submitted as part of the Reserved Matters application and the development carried out fully in accordance with the approved details.

Reason - To avoid excessive light pollution and in the interests of the protection of species protected by other legislation such as bats.

18. Prior to the commencement of any part of the development the developer shall provide the following further information to the LPA in respect of protected wildlife species

- A tree planting scheme which encourages potential bat roosting and bat cover areas
- A lighting scheme which demonstrates no harm to feeding corridors for bats particularly along the riverside walk. The lighting scheme shall specifically exclude any security lights affixed to the dwellings fronting the river.
- Protected bat roosting opportunities within the roof space of the buildings which front onto the river with a minimum number of roost boxes to be agreed at detailed design stage.

The details as submitted shall be fully implemented as part of the development proposals prior to the occupation of the buildings in line with the phasing plan as required above and maintained as such thereafter. Occupiers of any units with bat roosting boxes shall be advised of the statutory protection provisions under the Wildlife and Countryside Act.

Reason – to ensure the protection of the River Axe SAC/SSSI wildlife interests

19. Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the Local Planning Authority:-

- A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved. If during development contamination not previously identified is found to be present at the site, then no further development, (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment of the Method Statement detailing how this unsuspected contamination shall be dealt with.

The development shall thereafter be carried out fully in accordance with the approved scheme.

Reason - To ensure that ground conditions and contamination are fully assessed and to ensure that development does not result in any environmental health risks and to protect controlled waters.

20. Prior to development commencing full construction details and proposed materials and external finishes of any flood defence walls or barriers to be provided if appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the details are acceptable to the Environment Agency.

21. Prior to the commencement of development, a full sample of materials relating to all hard landscaped areas shall be provided to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason - To ensure that the selected materials are appropriate in context with the proposed buildings, surrounding environments and result in an attractive, safe and environmentally responsive scheme.

22. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. All planting, seeding, turfing or hard surfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the

sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason - To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

23. No development shall take place until a written scheme of investigation to undertake a programme of archaeological work has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme or in accordance with other details that may be agreed by the Local Planning Authority.

Reason - To ensure an appropriate record is made of archaeological evidence that may be affected by development.

24. No development shall take place prior to the submission and written approval by the local Planning Authority of a method statement regarding the use of quiet piling and construction techniques, if piling is to be used as the means of construction on the site. The development shall be carried out fully in accordance with the scheme as approved by the Local Planning Authority.

Reason - To protect the amenity of local residents and the interests of the River Axe Estuary.

25. Prior to the commencement of development a scheme to demonstrate that internal noise levels within the residential units will conform to the 'good' design range identified by BS 8233 1999:- Sound Insulation and Noise Reduction for Builders/Code of Practice shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason - To ensure that sound insulation protects the amenity of existing and future residents and occupiers of the proposed development and nearby buildings.

26. No construction works shall be carried out before 07.30 and after 18.00 Mondays to Fridays, 07.30 to 13.00 on Saturdays with no construction works or development carried out on Sundays or on Bank Holidays, except for any emergency works that may need to be carried out.

Reason - To ensure that construction noise and traffic does not unacceptably affect nearby occupiers and impact on the Seaton Tourism trade.

27. Prior to any works taking place to the River Axe boundary the works shall be the subject of further details to be submitted to and agreed in writing with the LPA, including the timing of such works such as to avoid any adverse impact on migratory fish.

Reason – In the interests of conserving protected wildlife species.

28. No demolition, piling works or works to break up concrete on site may take place until the LPA has approved in writing schemes to demonstrate that the applicant shall use processes that shall least disturbance in terms of noise and vibration to neighbouring sensitive receptors. The relevant works and the development shall thereafter be carried out fully in accordance with the approved details to the satisfaction of the LPA.

Reason – to prevent disturbance to sensitive receptors

### Informatives

#### Reasons for approval

- The proposal complies with the Devon Structure Plan 2001-2016 Policies as noted above
- The proposal complies with the East Devon Local Plan 1995-2011 Policies as noted above
- The proposal, subject to further detailed approval, does not significantly affect the privacy or amenity of neighbouring properties.
- The design and external appearance of the proposal, subject to further detailed approval, does not harm the visual amenity of the site and surrounding area.
- The proposal does no harm wildlife interest.
- The proposal does not harm an identified archaeological site or deposit.
- The proposal does not harm the conservation objectives of an SSSI, County Wildlife Site or Local Nature Reserve.
- The proposal is contained within the defined built-up area boundary of the settlement.
- The proposal does not cause a significant flood risk.
- The access to serve the proposal, subject to the submission and approval of further details does not prejudice highway safety.
- The proposal includes the use of previously developed land and is planned at an appropriate density taking into account the character of the site and area.

- The proposal would not generate a level of noise that would unreasonably affect the amenity of neighbouring properties.
- The proposal complies with requirements in terms of re-using potentially contaminated land

Approved plans

Red line location plan received.....

List of Background Papers

Application file, consultations and policy documents referred to in the report.